

RICHARDS, LAYTON & FINGER

A PROFESSIONAL ASSOCIATION

ONE RODNEY SQUARE

920 NORTH KING STREET  
WILMINGTON, DELAWARE 19801  
(302) 651-7700  
FAX (302) 651-7701  
WWW.RLF.COM

JEFFREY L MOYER  
DIRECTOR

DIRECT DIAL NUMBER  
302-651-7525  
MOYER@RLF.COM

July 10, 2007

**VIA E-FILING AND HAND-DELIVERY**

Honorable Gregory M. Sleet  
Chief Judge  
United States District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street, Lockbox 18  
Wilmington, DE 19801

**Re: In re PharmaStem Therapeutics, Inc. Patent Litigation,  
MDL Docket No. 05-md-1660 (GMS)**

Dear Chief Judge Sleet:

Pursuant to this Court's Order of October 6, 2005, we write to notify the Court that the United States Court of Appeals for the Federal Circuit yesterday issued its ruling in the appeal of *PharmaStem Therapeutics, Inc. v. ViaCell, Inc. et al.*, Civil Action No. 02-148 (GMS). The Court of Appeals (1) affirmed this Court's judgment of non-infringement and (2) held that the patents-in-suit are invalid for obviousness and thus directed the entry of judgment for the defendants as to the counterclaim as well. For the Court's convenience, a copy of the Court of Appeals' decision is attached as Exhibit A.

Respectfully submitted,

Jeffrey L. Moyer (#3309)

JLM/th

cc: Clerk, U.S.D.C. (by e-filing)  
Philip A. Rovner, Esq. (by e-filing and hand delivery)  
Paul J. Andre, Esq. (by Federal Express)  
Richard D. Kirk, Esq. (by e-filing and hand delivery)  
Thomas F. Chaffin, Esq. (by Federal Express)  
Peter C. Hughes, Esq. (by e-filing and hand delivery)  
James J. Rodgers, Esq. (by Federal Express)